



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,761	11/19/2003	Barry Christopher Allyn	06576.105135 (MS#304407.0)	6182
45979	7590	11/14/2006	EXAMINER	
PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			BOTTIS, MICHAEL K	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/716,761	ALLYN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael K. Botts	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 25, 2006 has been entered.
2. This is a Non-Final Office Action.
3. Claims 1-24 have been examined, with claims 1, 12, 18, and 20 being the independent claims.
4. Claims 1-24 are rejected.

### ***The Specification***

5. Applicant is reminded of the requirement to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification, when appropriate, and the status of all citations of U.S. filed applications in the specification should also be updated, when appropriate.

### ***Claims Rejections – 35 U.S.C. 112, First Paragraph***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claim1-24** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In general, the specification is written as a description of what the result of using the invention looks like.

Applicants claim a method, system, computer readable medium, and computer-implemented method for selecting and manipulating multiple objects. However, what is disclosed is merely the result of the selection and manipulation. The disclosure merely describes what is done with the objects, not how to do the highlighting, manipulation, selection, and de-selection of the objects.

The drawings merely show how the objects would look if one knew how to make a computer generate and manipulate them. See, Figures 3A-7B. The flow charts in the drawings are written at a high level of abstraction, rather than at a fundamental level that would indicate possession of more than the mere idea of the invention. For example, claim 7, and Figure 13, elements 1302 and 1304 teach "detect multiple selection flip command" and "display highlight list objects flipped relative to position of axis pin." The only support for the "flip command" is stated as follows in the disclosure: *"The exemplary process 1300 begins with step 1302 in which the document view module 202 detects the input of a multiple selection flip command for the multiple selected objects 401, 402. This command may be submitted in various ways, for example through a menu selection or a keystroke command using the mouse 142*

*and/or keyboard 140. The flip command may be a built-in function of the main application module 200 and may have various options (e.g., vertical or horizontal flip), as known in the art.”* Disclosure, page 38, lines 16-24. Applicants do not disclose the flip command, how to detect it, or how it operates to flip the highlighted objects.

The lack of adequate written description of flip command is but one example of the lack of adequate description in the specification such as to convey to one of reasonable skill in the art that the applicant's had possession of the invention at the time of the application. The specification similarly lacks adequate written description such as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention in regards to the claimed functions of highlighting objects, selecting highlighted objects, manipulation of objects, deselecting highlighted objects, binding objects (fully and partially), creating an outline that at least partially bounds the highlighted objects, and other functions beyond that “as will be apparent to those skilled in the art.” Accordingly, claims 1-24 suffer from the same lack of adequate description, either alone or by their dependency on the independent claims.

7. **Claims 1-24** are also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation. Applicants claim a method, system, computer

Art Unit: 2176

readable medium, and computer-implemented method for selecting and manipulating multiple objects. However, what is disclosed is merely the result of the selection and manipulation. The disclosure merely describes what is done with the objects, not how to do the highlighting, manipulation, selection, and de-selection of the objects.

***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 1-6, 9-14, and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura, and further in view of Cohen, S. "Macromedia Fireworks for Windows & Macintosh, Visual Quickstart Guide," Peachpit Press, 2001 [hereinafter Cohen"].**

Regarding **independent claim 1, as amended**, Omura in view of Cohen teaches:

*A method for selecting and manipulating multiple objects, comprising:  
receiving information for the selection of two or more selected objects in a document;*

*displaying highlight objects that correspond to the two or more objects, wherein the highlight objects provide visual feedback to indicate the selection of each of the two or more objects after the selection information is received; and*

*displaying a multiple selection highlight object that corresponds to the displayed highlight objects after the selection information is received and includes features of object manipulation, wherein the multiple selection highlight object at least partially bounds the highlight objects to provide visual feedback of the multiple selection of the two or more objects,*

*wherein the highlight objects are automatically configured to be manipulated according to the manipulation of the multiple selection highlight object using the features of object manipulation until at least one of the two or more objects are deselected, at which point each of the two or more objects can be individually manipulated.*

(See, Omura, page 42, sidebar, teaching highlighting a selected object by “ghosting” and stating: “Ghosting visually tells you that you have chosen that object to be acted upon by whatever command is active. Ghosting is also referred to as *highlighting*.” [Emphasis in the original.]

See, Omura, pages 42-44, teaching teaches selection of multiple objects.

See, Omura, pages 43-44, teaching bounding windows, also known as a “crossing window,” identifying more than one object selected at one time (“multiple selection highlight”).

And see, Omura, pages 42-43 and 344-347, teaching that the bounding box becomes inactive when one of the objects is de-selected.

Applicants' claimed invention is the selection of multiple objects, highlighting the selection including a bounding highlight object that includes a manipulation object, wherein the multiple highlighted objects may be manipulated together.

It is noted that the additional limitation of objects becoming highlighted "after the selection information is received" is read as non-functional descriptive language. The fact that a function activates after it is activating is not read as claiming a patentably distinct limitation, but rather is a statement of an obvious act of selection and resultant selection.

The additional amended limitation of "features of object manipulation" discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including "handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.

The crossing window is, by design, a multiple selection object, and when used highlights the objects selected. See, Omura, page 42, sidebar.

Omura does not expressly teach "handles" for moving the surrounding object.

The "handles 304" are disclosed in the specification as rectangular portions of the surrounding object used for moving the object. See, figure 3A, and disclosure, page 15, lines 10-15.



See, Cohen, page 89, teaching the handles and use of the handles for moving the surrounded object.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the crossing window taught by Omura with the handles taught by Cohen.

Omura and Cohen are combinable in that they involve the same art of manipulating electronic document graphic objects.

The suggestion or motivation for the combination is the logical association that handles used to move the surrounding object of one graphic object may be used to move the surrounding object of a plurality of graphics objects.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined to teachings of Omura and Cohen to result in the invention specified in the claims.)

Regarding **dependent claim 2**, Omura in view of Cohen teaches:

*The method of claim 1, wherein receiving information for the selection of two or more objects comprises receiving information based on one of a continuous selection of all of the two or more objects or an individual selection of each of the two or more objects.*

(See, Omura, pages 47-50, teaching "SI" as the function for selection of multiple individual objects and "Auto" as the function for automatically selecting multiple objects.)

Regarding **dependent claim 3**, Omura teaches:

*The method of claim 1, wherein creating highlight objects that correspond to the two or more objects comprises creating outlines that each at least partially bound one of the two or more objects and add emphasis to the appearance of the two or more objects.*

(See, Omura, page 42, sidebar, teaching highlighting a selected object by “ghosting” and stating: “Ghosting visually tells you that you have chosen that object to be acted upon by whatever command is active. Ghosting is also referred to as *highlighting*.” [Emphasis in the original.]

Regarding **dependent claim 4, as amended**, Omura in view of Cohen teaches:

*The method of claim 1, wherein creating a multiple selection highlight object that corresponds to the highlight objects comprises creating an outline that at least partially bounds the highlight objects, wherein the outline comprises at least one of:*

*a rotation handle that can be manipulated to cause the rotation of the multiple selection highlight object and the highlight objects;*

*a selection handle that can be manipulated to cause the resizing of the multiple selection highlight object and the highlight objects; and*

*an axis pin that can be positioned to provide an axial reference point for the manipulation of the two or more objects.*

Art Unit: 2176

(Omura teaches multiple selection highlighting of highlighted selected objects, and that such multiple selection can be in the form of a bounding rectangle. Omura does not expressly teach that the "outline that at least partially bounds the highlighted objects" comprises at least one of a "rotation handle," a "selection handle," or an "axis pin."

Cohen teaches selection handles and an axis pin. See, Cohen, pages 88-92.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura and Cohen to result in a multiple selection highlight object with handles and an axis pin. Both references teach the use of software for computer generated graphical data objects, and both teach the selection, identification of the selection, and manipulation of the objects.

The motivation to combine the references is drawn from the fact that both references teach a bounding rectangle around an object for the purpose of identifying the object within for manipulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added the handles and axis of Cohen to the bounding rectangle of Omura, for the purpose of ease of manipulation of the object.)

Regarding **dependent claim 5**, Omura in view of Cohen teaches:

*The method of claim 1, further comprising:*

*detecting a rotative manipulation of the multiple selection highlight object;*

*and*

*displaying the highlight objects and the multiple selection highlight object in a rotated orientation corresponding to the rotative manipulation of the multiple selection highlight object.*

(See, Omura, pages 344-347, teaching rotative manipulation of the multiple selection highlight object, being the rotation of the kitchenette and its included individual objects.

The additional limitation of "features of object manipulation" discloses a graphic function that was well known by one of ordinary skill in the art at the time of the invention. It is noted that an object of manipulation is defined broadly as including "handles, axis pins, and other features. See, Omura, pages 48-49 and 344-346, teaching the lower corner as an axis pin.)

Regarding **dependent claim 6**, Omura in view of Cohen teaches:

*The method of claim 4, further comprising:*

*displaying the multiple selection highlight object with the axis pin visible in response to a positioning of the user interface in a vicinity of the rotation handle;*

*detecting a positioning of the axis pin; detecting an engagement and manipulation of the rotation handle by the user interface;*

*periodically displaying the highlight objects and the multiple selection highlight object in a temporary rotated orientation relative to the positioning of the axis pin and the manipulation of the rotation handle until the rotation handle is disengaged by the user interface; and*

*displaying the highlight objects and the multiple selection highlight object in a permanently rotated orientation relative to the positioning of the axis pin and corresponding to the manipulation of the rotation handle before it is disengaged by the user interface.*

(See, rejection of claims 4 and 1 above, incorporated herein by reference.

See, Cohen, page 91, teaching a rounded arrow that functions as a "rotation handle" in that when it is dragged either clockwise or counterclockwise, the object is rotated around the visible rotative axis.)

Regarding **dependent claim 9**, Omura in view of Cohen teaches:

*The method of claim 4, further comprising:  
detecting a manipulation of the selection handle; and  
displaying the highlight objects and the multiple selection highlight object with one or more of their dimensions modified relative to the manipulation of the selection handle.*

(See, Cohen, page 88-91, teaching modification of an object by manipulation of handles on the bounding rectangle.)

Regarding **dependent claim 10**, Omura in view of Cohen teaches:

*The method of claim 4, further comprising:  
detecting an engagement and manipulation of the selection handle by a user interface;*

*periodically displaying the highlight objects and the multiple selection highlight object with one or more of their dimensions temporarily modified relative to the manipulation of the selection handle until the selection handle is disengaged by the user interface; and*

*displaying the highlight objects and the multiple selection highlight object with one or more of their dimensions permanently modified corresponding to the manipulation of the selection handle before it is disengaged by the user interface.*

(See, Cohen, page 88-91, teaching modification of an object by manipulation of handles on the bounding rectangle.)

Regarding **dependent claim 11**, Omura in view of Cohen teaches:

*The method of claim 1, further comprising:*

*detecting the deselection of at least one of the two or more objects; and*

*displaying the two or more objects with an appearance that corresponds to previous manipulations of the multiple selection highlight object.*

(See, Omura, pages 344-347, teaching manipulation of objects to a display a final position. See also, Omura, page 43, teaching that an object is not selected until return is pressed, any action without the return is automatically deselected.)

Art Unit: 2176

**Regarding claims 12, 13, and 14**, claims 12, 13, and 14 incorporate substantially similar subject matter as claimed in claims 1, 4, and 6, respectively, and are rejected along the same rationale.

**Regarding claims 16, 17, and 18**, claims 16, 17, and 18 incorporate substantially similar subject matter as claimed in claims 9, 11, and 1, respectively, and are rejected along the same rationale.

Regarding **dependent claim 19**, Omura in view of Cohen teaches:

*The computer-readable medium of claim 18, further comprising:*

*logic for detecting a manipulation of the multiple selection highlight object relative to a single dimension;*

*logic for proportionately resizing two or more dimensions of the first highlight object in correspondence with the manipulation of the multiple selection highlight object when the first highlight object is not aligned with the orientation of the multiple selection highlight object, thereby reducing distortion of the shape of the object when it is resized; and*

*logic for rendering the first highlight object, the second highlight object, and the multiple selection highlight object to the graphical user interface with one or more of their dimensions modified in correspondence with the manipulation of the multiple selection highlight object.*

Art Unit: 2176

(See, Omura, page 345, teaching scale” and “stretch” for proportionally resizing multiple objects.)

Regarding **independent claim 20**, Omura in view of Cohen teaches:

*A computer-implemented method for selecting and manipulating multiple objects, comprising:*

*automatically associating two or more objects to a common reference object in response to a selection of the two or more objects;*

*causing a manipulation of the two or more objects in response to making the manipulation to the common reference object; and*

*automatically disassociating the two or more objects from the common reference object in response to a deselection of at least one of the two or more objects.*

(See, Omura, pages 41-50, teaching the automatic association of highlighted objects in a window and the manipulation of those objects.)

Regarding **dependent claim 21**, Omura in view of Cohen teaches:

*The computer-implemented method of claim 20, wherein automatically associating two or more objects to a common reference object comprises aligning the common reference object to the orientation of at least one of the two or more objects.*



Art Unit: 2176

(See, Omura, pages 69-74, teaching the "snap" function to align objects with a common orientation.)

Regarding **dependent claim 22**, Omura in view of Cohen teaches:

*The computer-implemented method of claim 20, wherein causing a manipulation of the two or more objects comprises causing at least one of rotating, flipping, or resizing the two or more objects in response to making the manipulation to the common reference object.*

(See, Omura, pages 41-50, 69-74, and pages 344-347, teaching automatic association of selected and highlighted objects, rotative manipulation of the multiple selection highlight object, being the rotation of the kitchenette and its included individual objects.)

Regarding **dependent claim 23**, Omura in view of Cohen teaches:

*The computer-implemented method of claim 20, further comprising establishing a common reference point with respect to the common reference object, wherein the common reference point is repositionable, and the two or more objects are manipulable with respect to the common reference point.*

(See, Omura, pages 44-47, teaching the use of "base points.")

**Regarding claim 24**, claim 24 incorporates substantially similar subject matter as claimed in claim 9, and is rejected along the same rationale.

Art Unit: 2176

**9. Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of Cohen, as applied to claim 4 above, and further in view of “Micrografx Designer Reference Guide,” Micrografx, Inc., 1990 [hereinafter “Micrografx”].**

Regarding **dependent claim 7**, Omura in view of Cohen and further in view of Micrografx teaches:

*The method of claim 4, further comprising:  
detecting an input of a flip command for the two or more objects; and  
displaying the highlight objects and the multiple selection highlight object  
in a position that is flipped relative to a position of the axis pin in accordance with  
the flip command.*

(Omura and Cohen teach the invention of claim 4, but do not expressly teach a “flip command” or teaches a flip of an object relative to a position of the axis pin.

Micrografx teaches both “flip horizontal” and “flip vertical” functions which flip an object side-to-side or top-to-bottom, respectively. Flipping an object in this manner is inherently flipping relative to the central axis. In addition, Micrografx expressly teaches a pivot pin (“axis pin”) and that the pivot pin may be set to the center of the object. See, Micrografx pages 9-26 and 9-27.

One of ordinary skill in the art at the time of the invention would have known of the teachings of Omura, Cohen, and Micrografx because all of the references teach the use of software applications for the manipulation of computer generated graphical data

Art Unit: 2176

objects. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura and Cohen to result in a multiple selection highlight object with handles and an axis pin that includes a "flip command."

The motivation to combine the references is drawn from the fact that the references teach a bounding rectangle around an object for the purpose of identifying the object within for manipulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added the handles and axis of Cohen to the bounding rectangle of Omura, for the purpose of ease of manipulation of the object. In addition, the "flipping" of an object is a common manipulation, and it would have been obvious to one of ordinary skill in the art at the time of the invention to extend the combination invention of Omura and Cohen to include the common object manipulation of flipping.)

Regarding **dependent claim 8**, Omura in view of Cohen and further in view of Micrografx teaches:

*The method of claim 4, further comprising:*

*displaying the multiple selection highlight object with the axis pin visible in response to a positioning of the user interface in a vicinity of the rotation handle;*

*detecting a positioning of the axis pin;*

*detecting an input of a flip command for the two or more objects; and*

*displaying the highlight objects and the multiple selection highlight object in a position that is flipped relative to the positioning of the axis pin in accordance with the flip command.*

(Omura and Cohen teach the invention of claim 4, but do not expressly teach a “flip command” or teaches displaying the multiple selection highlight object with the axis pin visible in response to a positioning of the user interface in a vicinity of the rotation handle.

Micrografx teaches both “flip horizontal” and “flip vertical” functions which flip an object side-to-side or top-to-bottom, respectively. Flipping an object in this manner is inherently flipping relative to the central axis. In addition, Micrografx expressly teaches a pivot pin (“axis pin”) and that the pivot pin may be set to the center of the object. See, Micrografx pages 9-26 and 9-27.

One of ordinary skill in the art at the time of the invention would have known of the teachings of Omura, Cohen, and Micrografx because all of the references teach the use of software applications for the manipulation of computer generated graphical data objects. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura and Cohen to result in a multiple selection highlight object with handles and an axis pin that includes a “flip command,” and that the bounding rectangle would be displayed in response to a positioning of the use interface in a vicinity of the rotation handle. The display of the bounding rectangle in response to the user interface is an obvious extension of the function taught in Cohen, where the rotational “rounded arrow” appears when the cursor is moved outside the bounding box.

Art Unit: 2176

The timing of when the bounding box or the rotational handle appears as a “response” to the “user interface” is a design decision based on art recognized equivalent alternatives.

The motivation to combine the references is drawn from the fact that the references teach a bounding rectangle around an object for the purpose of identifying the object within for manipulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have added the handles and axis of Cohen to the bounding rectangle of Omura, for the purpose of ease of manipulation of the object. In addition, the “flipping” of an object is a common manipulation, and it would have been obvious to one of ordinary skill in the art at the time of the invention to extend the combination invention of Omura and Cohen to include the common object manipulation of flipping.)

**Regarding claim 15, as amended,** claim 15 incorporates substantially similar subject matter as claimed in claim 7, and is rejected along the same rationale.

10. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

***Request for Reconsideration***

11. Applicants have requested the Examiner to reconsider his refusal to consider the purported IDS, which was filed on May 7, 2006. The Examiner has considered Applicants' arguments in favor of admitting the document as an IDS, but maintains the conclusion that the document filed is not in the form of an information disclosure statement, and does not provide sufficient information for the Examiner to review and consider the information provided. The document presents factual evidence relating to the patentability of the invention without proper affidavit support. Accordingly, the document is acknowledge as having been received, but has not been considered by the Examiner.

***37 C.F.R. 1.132 Declaration***

12. The declaration under 37 CFR 1.132 filed August 25, 2006 [hereinafter the "Declaration"] is insufficient to overcome the rejection of claims 1-24 based upon Omura, Omura in view of Cohen, or Omura in view of Cohen and further in view of Micrografx as set forth in the last Office action because of the following:

It is noted that the Declaration is not relevant to overcome the rejection of claims 1-3, 5, 11, 12, 17, 18, and 24, under 35 U.S.C. 102(b). Further, it is noted that the Declaration does not address the obviousness of the claim limitations and is therefore insufficient to overcome the rejections under 35 U.S.C. 103(a) for claims 4, 6-10, 13, 14-16, and 24.

The Declaration was submitted in traversal of the rejections of claims 1-24 under 35 U.S.C. 112, first paragraph, under the written description and enablement requirements.

The Declaration states, in summary, that with less than one month of effort, upon reviewing the specification and drawings of the present application, one skilled in the art after reviewing the specification and drawings would know how to implement all the features of the invention in a software application specified as follows:

- a) receives information from a computer input device relation to the selection of objects;
- b) displays an object with handles on a computer display that bounds selected objects; and
- c) automatically configures the bounded objects for being manipulated using the handles for object manipulation.

See, Declaration, paragraphs 4-7.

Applicants' Declaration is read as support for the Examiner's conclusion that the "the specification is written as a description of what the result of using the invention looks like," and "The disclosure merely describes what is done with the objects, not how to do the highlighting, manipulation, selection, and de-selection of the objects." See, Final Rejection, filed June, 26, 2006, page 3.

Read in the light most favorable to the Applicants, the Declaration states that upon seeing what is supposed to be done with the objects, a skilled programmer could write the code with "less than one month of effort." The Examiner concludes that "less

Art Unit: 2176

than one month of effort" reasonably means nearly 160 hours of effort, and further concludes that amount of time to constitute undue experimentation to make and/or use the claimed invention, contrary to 25 U.S.C. 112, first paragraph, enablement requirement.

Further, since the invention is not described in a way such that it enables one skilled in the art to which it pertains to make or use the invention without undue experimentation, and because the specification merely describes what the invention does rather than how it is designed to do it, it does not appear that the Applicants were in possession of the claimed invention at the time the application was filed, and the claims are also rejected under the written description requirement of 35 U.S.C. 112, first paragraph.

For the reasons stated above, the Declaration is held insufficient to overcome the rejections of claims 1-24 under 35 U.S.C. 112, first paragraph enablement and written description requirements.

### ***Response to Arguments***

13. Applicants' arguments filed August 25, 2006 have been fully considered, but they are not persuasive.

#### **Regarding rejections of claims 1-3, 5, 11, 19, and 20-23:**

**FIRST:** Applicants argue that the crossing window taught by Omura does not correspond to the multiple selection highlight object of claim 1. See, Amendment, page



14.

The Examiner disagrees. Applicants' arguments filed August 25, 2006 have been fully considered, but they are not persuasive.

The crossing window is, by design, a multiple selection object, and when used highlights the objects selected. See, Omura, page 42, sidebar.

**SECOND:** Applicants argue that Omura does not teach or suggest that the crossing window includes "handles." See, Amendment, page 14.

The "handles 304" are disclosed in the specification as rectangular portions of the surrounding object used for moving the object. See, figure 3A, and disclosure, page 15, lines 10-15.

See, Cohen, page 89, teaching the handles and use of the handles for moving the surrounded object.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the crossing window taught by Omura with the handles taught by Cohen.

Omura and Cohen are combinable in that they involve the same art of manipulating electronic document graphic objects.

The suggestion or motivation for the combination is the logical association that handles used to move the surrounding object of one graphic object may be used to move the surrounding object of a plurality of graphics objects.

Art Unit: 2176

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined to teachings of Omura and Cohen to result in the invention specified in the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb

  
Heather R. Herndon  
Supervisory Patent Examiner  
Technology Center 2100